

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)
[Enter your name, address and telephone number]
Bed Bath and Beyond Shareholder
228 Park Ave S PMB 932020
New York, New York 10003-1502
147Aurora741@gmail.com

FILED
JEANNE A. NAUGHTON, CLERK

SEP 09 2024

U.S. BANKRUPTCY COURT
NEWARK, N.J.
BY [Signature] DEPUTY

In Re:
[Enter the debtor's name(s)]
Bed Bath & Beyond Inc.

Case No.: 23-13359
[Enter the case number]
Chapter: 11
[Enter the chapter; example: 13]
Hearing Date: 9/10/2024
[Enter the hearing date]
Judge: Papalia
[Enter the Judge's last name]

NOTICE OF MOTION TO

[Enter the relief sought] Motion For Closed Door Hearing Regarding Sanctions Against Pro Se Shareholder

Bed Bath and Beyond Shareholder
[Enter your name] _____ has filed papers with the court to [Enter the relief sought] _____
protect my personal information and highly sensitive nature of this Hearing.

YOUR RIGHTS MAY BE AFFECTED. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one).

If you do not want the court to grant this motion, or if you want the court to consider your views, you or your attorney must file with the clerk at the address listed below, a written response explaining your position no later than 7 days prior to the hearing date.

Hearing Date: 9/10/2024
[Enter the date of the hearing]
Hearing Time: 10:00 AM EST
[Enter the time of the hearing]
Hearing Location: Virtual
[Enter the location of the hearing]

Courtroom Number: N/A
[Enter the courtroom number]

If you mail your response to the clerk for filing, you must mail it early enough so the court will receive it on or before 7 days prior to the hearing date.

You must also mail a copy of your response to:

[Enter the trustee's name and address]

[Enter the name and address of all other parties who will be affected by this motion]

If you, or your attorney, do not take the steps outlined above, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

Date: September 8th, 2024
[Enter the date this document is signed]

Bed Bath and Beyond Shareholder
Signature *[Of the party seeking relief]*

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY

In re: BED BATH & BEYOND INC., et al.,

Case No. 23-13359 (VFP)

(Jointly Administered)

MOTION FOR CLOSED DOOR HEARING REGARDING SANCTIONS AGAINST PRO SE SHAREHOLDER

I, Bed Bath and Beyond Shareholder (ML), a pro se former shareholder of Bed Bath & Beyond Inc. ("BBBY"), hereby move this Court for an order directing that the upcoming hearing on sanctions against me be conducted as a closed door proceeding, without public access. In support of this motion, I respectfully state the following:

I. INTRODUCTION AND BACKGROUND

1. I, Bed Bath and Beyond Shareholder (ML), am a pro se former shareholder of BBBY, and I have been actively involved in the company's Chapter 11 bankruptcy proceedings, attempting to raise concerns and protect the interests of myself and other former shareholders who have seen their investment completely wiped out and deemed null, worthless, and void.
2. Throughout these proceedings, I have been unable to afford legal counsel – directly as a result of this investment (among other important life changing events in recent years), which has significantly hindered my ability to effectively participate and defend my rights.
3. On May 22nd, 2024, I submitted an Application Requesting Relief and an Order of Protection for Redaction of Personally Identifiable Information seeking to protect my personally identifiable information from public disclosure due to serious concerns about potential retaliation and harassment, as outlined in the motion and in Exhibit A.
4. On July 24th, 2024, the Plan Administrator submitted their Motion for Sanctions Docket No.3432 which further underscores the need for a closed door hearing. The Sanctions Motion makes several assertions and allegations that I believe mischaracterize my actions and intentions, including: a. Accusing me of filing frivolous and meritless motions; b. claiming that I have no financial interest in the case and am causing harm to creditors; and c. asserting that my delay in raising concerns is unreasonable and an abuse of process Bankruptcy Rule 9011, among many other assertions that should be added onto this motion.
5. On August 8th, 2024, the Court scheduled a hearing to address potential sanctions against me, which is set to take place on September 10th, 2024. I am deeply concerned

about the public nature of this hearing and the potential consequences of discussing sensitive matters in an open forum.

6. I am severely limited and unaware of how to efficiently source and include all the various statements that were asserted toward myself and other former shareholders but there have been extensive statements showing bias towards creditors and a disregard for the former shareholders and any claims – or even questions in general - they might have.
7. I strongly dispute these characterizations and believe that a closed door hearing is necessary to address these allegations without subjecting myself to further public scrutiny and potential retaliation.

II. GROUNDS FOR REQUESTING A CLOSED DOOR HEARING

A. Sensitive Nature of the Information to be Discussed

8. The upcoming sanctions hearing is likely to involve discussions of highly sensitive material [REDACTED]
[REDACTED]
9. These discussions may implicate executives of major companies, board members, legal firms, and other professionals who are well-versed in the legal system and highly protective of their public image.
10. I fear that any statements I make during the hearing, even if made in good faith, could be used against me in future legal actions, such as defamation lawsuits, gag orders, or cease and desist orders.

B. Risk of Retaliation and Harassment

11. As a pro se litigant, I am particularly vulnerable to retaliation and harassment from the powerful entities and individuals who may be implicated in the matters to be discussed during the sanctions hearing.
12. The scope and importance of the issues surrounding the BBY bankruptcy are immense, and I believe that my willingness to come forward and raise concerns puts me at great personal risk.
13. [REDACTED]
[REDACTED]
[REDACTED]
14. In my included Exhibit A, I outlined several specific concerns regarding retaliation and harassment, including: a. Retaliation from powerful financial and legal entities whose

interests may be threatened by my allegations; b. Risk of physical threats or violence from parties involved in the alleged misconduct; c. Potential legal harassment, including frivolous lawsuits, gag orders, or cease and desist orders; d. Public smear campaigns and online harassment from individuals seeking to discredit me and undermine my credibility.

15. These concerns are further exacerbated by the public nature of the sanctions hearing, which could expose me to additional risk and harassment.

C. Protection of the Integrity of the Proceedings

16.

[REDACTED]

17.

[REDACTED]

18.

[REDACTED]

D. Preservation of My Right to a Fair Hearing

19. As a pro se litigant with no legal background, I am at a significant disadvantage in these proceedings and do not fully understand my rights or the potential implications of my statements.

20. A closed door hearing would allow me to present my concerns and defend myself against the proposed sanctions without fear of my words being misconstrued or used against me in other legal contexts.

21. This is particularly important given the potential criminal liability that may arise from the matters to be discussed and the involvement of sophisticated legal professionals on the other side.

E. Personal and Emotional Toll of the Proceedings

22.

[REDACTED]

23. [REDACTED]

24. Despite my best efforts to maintain a professional demeanor, the emotional impact of this case cannot be overstated. The financial consequences have been devastating, with my family losing a substantial portion of our assets and facing the prospect of further losses. This has placed an immense strain on my personal life and marriage.

25. As a pro se litigant along with these handicaps, I am at a severe disadvantage when faced with the sophisticated legal arguments and tactics employed by the world renowned professionals on the other side. [REDACTED]

26. A closed door hearing would provide a more controlled and less hostile environment, mitigating the emotional impact of the proceedings and allowing me to present my case without fear of public ridicule or harassment.

F. Whistleblower-Like Nature of the Allegations

27. The matters I seek to raise in this proceeding involve allegations of significant corporate misconduct and potential criminal activity, akin to those addressed by whistleblower statutes such as the Sarbanes-Oxley Act and the Dodd-Frank Act. While these statutes may not directly apply to my situation, they reflect a strong public policy in favor of protecting individuals who come forward with information about wrongdoing, particularly when the scope and implications of the alleged misconduct are substantial.

28. My allegations also implicate issues of market integrity, including the potential existence of pervasive naked short selling. These concerns, if substantiated, could have far-reaching consequences for the financial markets and the public interest.

29. As a pro se litigant asserting claims of corporate malfeasance, I face unique challenges in navigating the legal system and protecting my rights. The Second Circuit has recognized the difficulties faced by pro se litigants and emphasized the court's obligation to make reasonable allowances to protect their important rights. See *Traguth v. Zuck*, 710 F.2d 90, 95 (2d Cir. 1983). A closed door hearing would provide a measure of protection for me as a pro se litigant, ensuring that I can present my allegations and defend against sanctions without inadvertently forfeiting my rights due to a lack of legal training.

III. LEGAL AUTHORITY FOR CLOSED DOOR HEARINGS

30. 11 U.S.C. § 107(b) and Federal Rule of Bankruptcy Procedure 9018 specifically authorize the Court to protect entities or individuals with respect to confidential information or scandalous and defamatory matter contained in papers filed in a bankruptcy case.
31. As previously stated in numerous emails to the Chambers and various representatives – as well as in the submitted dockets and various exhibits I have provided I am unable to appropriate or efficiently find case precedent and citations to further back up this motion.
32. However it is my understanding the Court has the inherent authority to control the conduct of proceedings before it, including the power to limit public access when necessary to protect the rights of the parties or the integrity of the judicial process.
33. It is my understanding the Court has recognized the need for closed door hearings in situations where the disclosure of sensitive information could cause harm to the parties or impair the integrity of the proceedings.
34. Moreover, courts have acknowledged the need to balance the public's interest in open court proceedings with other important interests, such as the protection of sensitive information and the rights of the parties. Given the nature of my allegations and the potential harm that could result [REDACTED] a closed door hearing is necessary to strike the appropriate balance between these competing interests.

IV. CONCLUSION

For the reasons set forth above, I respectfully request that the Court enter an order directing that the upcoming hearing on sanctions against me be conducted as a closed door proceeding, without public access. A proposed order is attached for the Court's consideration.

I further request that the Court grant such other and further relief as it deems just and proper.

Respectfully submitted,

Bed Bath and Beyond Shareholder (ML)

Signed: September 8th, 2024

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

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[Enter your name, address and telephone number]
Bed Bath and Beyond Shareholder
228 Park Ave S PMB 932020
New York, New York 10003-1502
147Aurora741@gmail.com

In Re:
[Enter the debtor's name(s)]
Bed Bath & Beyond Inc.

Case No.: 23-13359
[Enter the case number]
Chapter: 11
[Enter the chapter]
Hearing Date: 9/10/2024
[Enter the hearing date]
Judge: Papalia
[Enter the judge's last name]

CERTIFICATION OF Bed Bath and Beyond Shareholder
[Enter the name of the person that has personal knowledge of the facts set forth below]

I, *[Enter the name of the person that has personal knowledge of the facts set forth below]*
Bed Bath and Beyond Shareholder, *[Enter their relationship to the case. For*
example: debtor, creditor] Creditor in the above captioned case, submits this
Certification in support of the Motion for *[Enter title of motion]* Request a Closed Door Hearing Regarding
Sanctions Against Pro Se Shareholder filed by me on *[Enter the date the motion was*
filed] September 8th, 2024.

1. *[Enter the facts on which you believe such relief should be granted. Each fact must be set forth in a*
separate numbered paragraph.] Please refer to Motion For Closed Door Hearing Regarding
Sanctions Against Pro Se Shareholder Attachment.

2. *[Enter the facts on which you believe such relief should be granted. Each fact must be set forth in a separate numbered paragraph.]* _____

3. *[Enter the facts on which you believe such relief should be granted. Each fact must be set forth in a separate numbered paragraph.]* _____

4. *[Enter the facts on which you believe such relief should be granted. Each fact must be set forth in a separate numbered paragraph.]* _____

5. *[Enter the facts on which you believe such relief should be granted. Each fact must be set forth in a separate numbered paragraph.]* _____

I certify under penalty of perjury that the above is true.

Date: September 8th, 2024
[Enter the date this document is signed]

Bed Bath and Beyond Shareholder
Signature
[Of the party with actual knowledge of the facts set forth above]

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)
[Enter your name, address and telephone number]
Bed Bath and Beyond Shareholder
228 Park Ave S PMB 932020
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[Enter the debtor's name(s)]
Bed Bath and Beyond Inc.

Case No.: 23-13359
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Chapter: 11
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Judge: Papalia
[Enter the Judge's last name]

STATEMENT AS TO WHY NO BRIEF IS NECESSARY

In accordance with D.N.J. LBR 9013-1(a)(3), it is respectfully submitted that no brief is necessary in the court's consideration of this motion, as it does not involve complex issues of law.

Date: September 8th, 2024
[Enter date this document is signed]

Bed Bath and Beyond Shareholder
Signature *[Of party seeking relief]*

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

[Enter your name, address and phone number]

Bed Bath and Beyond Shareholder
228 Park Ave S PMB 932020
New York, New York 10003-1502
147Aurora741@gmail.com

In Re:

[Enter the debtor's name(s)]

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[Enter the case number]
Chapter: 11
[Enter the case number]
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[Enter the hearing date]
Judge: Papalia
[Enter the Judge's last name]

ORDER GRANTING Relief and Motion For Closed Door Hearing
[Enter the relief sought]

The relief set forth on the following pages, numbered two (2) through *[enter the number of the last page of this Order]* two (2) is **ORDERED**.

[Leave the rest of this page blank]

The Court having reviewed the movant's *[Enter the title of the motion]* Motion For Closed Door
Hearing Regarding Sanctions Against Pro Se Shareholder, and any related responses or objections, it is
hereby

ORDERED that:

1. *[Enter the relief sought or ordered by the Court at the hearing. Each item of relief must be set forth in a separate numbered paragraph]* Motion For Closed Door Hearing Regarding Sanctions Against Pro Se Shareholder

2. *[Enter the relief sought or ordered by the Court at the hearing. Each item of relief must be set forth in a separate numbered paragraph]* _____

3. *[Enter the relief sought or ordered by the Court at the hearing. Each item of relief must be set forth in a separate numbered paragraph]* _____

4. *[Enter the relief sought or ordered by the Court at the hearing. Each item of relief must be set forth in a separate numbered paragraph]* _____

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)
[Enter your name, address and phone number]

Michael LeClair
7218 Purple Pkwy
Chanhassen, MN 55317
612-618-8897
147Aurora741@gmail.com

In Re:
[Enter the debtor's name(s)]
Bed Bath and Beyond Inc.

Case No.: 23-13359
[Enter the case number]
Chapter: 11
[Enter the chapter of the case]
Hearing Date: 9/10/2024
[Enter the hearing date]
Judge: Papalia
[Enter the Judge's last name]

CERTIFICATION OF SERVICE

1. I, Bed Bath and Beyond Shareholder :

- ☐ represent _____ in this matter.
- ☐ am the secretary/paralegal for _____, who represents
_____ in this matter.
- ☒ am the Creditor in this case and am representing myself.

2. On *[Enter the date you served the documents]* September 8th, 2024, I sent a copy of the
following pleadings and/or documents to the parties listed in the chart below.

[Place a check next to each document you served]

- ☒ Notice of Motion *[Enter title of motion]* Motion For Closed Door Hearing
- ☒ Certification in Support of Motion *[Enter title of motion]* Motion For Closed Door Hearing
Regarding Sanctions Against Former Shareholder

| Name and Address of Party Served | Relationship of Party to the Case | Mode of Service |
|---|---|--|
| <p><i>[Enter the name and address of the party you served]</i></p> <p>Honorable Judge Papalia United States Bankruptcy Court District of New Jersey 50 Walnut St #3017 Newark, NJ 07102</p> | <p><i>[Enter the party's relationship to the case]</i></p> <p>Presiding Judge</p> | <p><input type="checkbox"/> Hand-delivered</p> <p><input checked="" type="checkbox"/> Regular mail</p> <p><input type="checkbox"/> Certified mail/Return receipt requested</p> <p><input checked="" type="checkbox"/> Other <u>Email</u></p> <p>(As authorized by the court or rule. Cite the rule if applicable.)</p> |
| <p><i>[Enter the name and address of the party you served]</i></p> <p>United States Trustee One Newark Center 1085 Raymond Boulevard, Suite 2100 Newark, NJ 07102 Attn: Fran B Steele, Esq.</p> | <p><i>[Enter the party's relationship to the case]</i></p> <p>US Trustee</p> | <p><input type="checkbox"/> Hand-delivered</p> <p><input checked="" type="checkbox"/> Regular mail</p> <p><input type="checkbox"/> Certified mail/Return receipt requested</p> <p><input checked="" type="checkbox"/> Other <u>Email</u></p> <p>(As authorized by the court or rule. Cite the rule if applicable.)</p> |
| <p><i>[Enter the name and address of the party you served]</i></p> <p>Pachulski Stang Ziehl & Jones LLP 780 Third Avenue, 34th Floor New York, New York 10017 Attn: Bradford J. Sandler, Esq.</p> | <p><i>[Enter the party's relationship to the case]</i></p> <p>Counsel to Plan Administrator & Official Committee of Unsecured Creditors</p> | <p><input type="checkbox"/> Hand-delivered</p> <p><input checked="" type="checkbox"/> Regular mail</p> <p><input type="checkbox"/> Certified mail/Return receipt requested</p> <p><input checked="" type="checkbox"/> Other <u>Email</u></p> <p>(As authorized by the court or rule. Cite the rule if applicable.)</p> |
| <p><i>[Enter the name and address of the party you served]</i></p> | <p><i>[Enter the party's relationship to the case]</i></p> | <p><input type="checkbox"/> Hand-delivered</p> <p><input type="checkbox"/> Regular mail</p> <p><input type="checkbox"/> Certified mail/Return receipt requested</p> <p><input type="checkbox"/> Other _____</p> <p>(As authorized by the court or rule. Cite the rule if applicable.)</p> |
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